

LEGISLATIVE BILL 23

Approved by the Governor March 18, 2015

Introduced by Krist, 10.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444, 81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Engineers and Architects Regulation Act; to eliminate certain defined terms and provisions on examinations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, 81-3424, and 81-3452, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-3401, Reissue Revised Statutes of Nebraska, is amended to read:

81-3401 Sections 81-3401 to 81-3455 and sections 5, 15, 16, 34, 36, and 37 of this act shall be known and may be cited as the Engineers and Architects Regulation Act.

Sec. 2. Section 81-3402, Reissue Revised Statutes of Nebraska, is amended to read:

81-3402 In order to safeguard life, health, and property and to promote the public welfare, the professions of architecture and engineering are declared to be subject to regulation in the public interest. ~~It is unlawful for any person to (1) practice or offer to practice architecture or engineering in this state, (2) use in connection with his or her name, except as provided in sections 81-3413 to 81-3415, or otherwise assume the title architect or professional engineer, or (3) advertise any title or description tending to convey the impression that he or she is a licensed architect or engineer unless the person is duly licensed or exempt from licensure under the Engineers and Architects Regulation Act.~~ The practice of architecture and engineering and use of the titles architect or professional engineer is a privilege granted by the state through the board based on the qualifications of the individual as evidenced by a certificate of licensure which is not transferable.

Sec. 3. Section 81-3403, Reissue Revised Statutes of Nebraska, is amended to read:

81-3403 For purposes of the Engineers and Architects Regulation Act, the definitions found in sections 81-3404 to 81-3427 and sections 5, 15, and 16 of this act shall be used.

Sec. 4. Section 81-3404, Reissue Revised Statutes of Nebraska, is amended to read:

81-3404 Architect means a person who is licensed ~~engages in the practice of architecture and who has a current certificate of licensure issued by the board to practice architecture.~~

Sec. 5. Building means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy.

Sec. 6. Section 81-3405.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-3405.01 Building official means ~~a the person appointed by the state or a political subdivision having jurisdiction over the project to have principal responsibility for the public safety and welfare and the enforcement of building codes with regard to buildings and other structures within such person's jurisdiction of the project as completed.~~

Sec. 7. Section 81-3407, Reissue Revised Statutes of Nebraska, is amended to read:

81-3407 Continuing education means lifelong learning and training relevant to a licensee's professional practice ~~the process of training and developing knowledge related to a profession after licensure is attained.~~

Sec. 8. Section 81-3408, Reissue Revised Statutes of Nebraska, is amended to read:

81-3408 Coordinating professional means a licensee ~~an architect or professional engineer who coordinates, as appropriate qualified, the work of all licensees various professional disciplines involved in a project.~~

Sec. 9. Section 81-3409, Reissue Revised Statutes of Nebraska, is amended to read:

81-3409 Design means the preparation of schematics, layouts, plans, drawings, specifications, calculations, and other diagnostic documents which show the features, ~~scope, and detail~~ of an architectural or engineering project work to be executed.

Sec. 10. Section 81-3411, Reissue Revised Statutes of Nebraska, is amended to read:

81-3411 Direct supervision means having full professional knowledge and the degree of supervision by a person overseeing the work of other persons by

~~which the supervisor has control over work that constitutes the practice of architecture or engineering and professional knowledge of the work being done.~~

Sec. 11. Section 81-3412, Reissue Revised Statutes of Nebraska, is amended to read:

81-3412 Emeritus, ~~referring to an architect or professional engineer,~~ means an architect or a professional engineer who has relinquished ~~relinquishes or does not renew his or her license licensure and who is approved by the board to receive publications and use the honorary title emeritus.~~

Sec. 12. Section 81-3414, Reissue Revised Statutes of Nebraska, is amended to read:

81-3414 Engineer-intern means a person who has been duly enrolled as an engineer-intern by the board passed an examination in the fundamental engineering subjects as provided in section 81-3451.

Sec. 13. Section 81-3415, Reissue Revised Statutes of Nebraska, is amended to read:

81-3415 Estimator, technician, or other similar titles means a person who through training or experience is performing ~~under the supervision of an architect or professional engineer~~ tasks associated with the practice of architecture or engineering under the supervision of an architect or professional engineer, respectively.

Sec. 14. Section 81-3416, Reissue Revised Statutes of Nebraska, is amended to read:

81-3416 Good ethical ~~moral~~ character means such character as will enable a person to discharge the fiduciary duties of an architect or professional engineer to his or her client and to the public for the protection of the public health, safety, and welfare. ~~Evidence of inability to discharge such duties includes the commission of an offense justifying discipline.~~

Sec. 15. Intern architect means a person who has enrolled in the Intern Development Program of the National Council of Architectural Registration Boards and holds a degree from a program accredited by the National Architectural Accrediting Board or equivalent.

Sec. 16. Licensee means a licensed architect or professional engineer.

Sec. 17. Section 81-3418, Reissue Revised Statutes of Nebraska, is amended to read:

81-3418 Organization means a business entity created by law, including, but not limited to, includes a partnership, limited liability company, corporation, or joint venture ~~other form of business entity but not public service providers.~~

Sec. 18. Section 81-3420, Reissue Revised Statutes of Nebraska, is amended to read:

81-3420 (1) Practice of architecture means providing rendering or offering to provide design ~~render~~ services in connection with the design and construction, enlargement, or alteration of a building or group of buildings and the space within and surrounding the buildings. The services may include, but not be limited to, planning, providing preliminary studies, designs, drawings, specifications, and other technical submissions, and administering ~~administration of construction contracts, coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects, and acting as a coordinating professional.~~ The practice of architecture does not include the practice of engineering.

(2) A person shall be construed to practice architecture, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:

(a) Practices the profession of architecture or holds himself or herself out as able and entitled to practice architecture;

(b) By verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be an architect; or

(c) Through the use of some other title, implies that he or she is an architect or licensed under the Engineers and Architects Regulation Act.

Sec. 19. Section 81-3421, Reissue Revised Statutes of Nebraska, is amended to read:

81-3421 (1) Practice of engineering means any service or creative work that if the adequate performance of the service or work requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to include such services or creative work as consultation, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, the review of construction for the purpose of monitoring compliance with drawings and specifications, administration of construction contracts, and acting as a coordinating professional, and any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services. The services may include, but not be limited to, planning, providing studies, designs, drawings, specifications, and other technical submissions, and administering construction contracts. The practice of engineering does not include the practice of architecture.

~~Design coordination includes the review and coordination of those~~

~~technical submissions prepared by others, including, but not limited to, as appropriate and without limitation, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the professional engineer.~~

~~Engineering surveys includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineering projects but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.~~

~~(2) A person shall be construed to practice or offer to practice engineering, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:~~

~~(a) Practices any discipline branch of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering;~~

~~(b) By (2) by verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be a professional engineer; or~~

~~(c) Through (3) through the use of some other title, implies that he or she is a professional engineer or licensed under the Engineers and Architects Regulation Act; or (4) holds himself or herself out as able to perform or does perform any engineering service or work or any other service designated by the practitioner which is recognized by the board as engineering. The practice of engineering does not include the services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, and marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant.~~

Sec. 20. Section 81-3422, Reissue Revised Statutes of Nebraska, is amended to read:

81-3422 Professional engineer means a person who is licensed as ~~a professional engineer~~ by the board to practice engineering. The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying an the area in which the professional engineer has demonstrated competence.

Sec. 21. Section 81-3422.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-3422.01 Project means one or more related activities that require the construction, enlargement, or alteration of works involving the practice of architecture or engineering for completion other than those exempted by sections 81-3449 and 81-3453.

Sec. 22. Section 81-3423, Reissue Revised Statutes of Nebraska, is amended to read:

81-3423 Public service provider means any political subdivision which employs or appoints an architect or a professional municipal engineer to be or ~~which employs a full-time person licensed under the Engineers and Architects Regulation Act who is in responsible charge of the political subdivision's architectural or engineering work.~~

Sec. 23. Section 81-3425, Reissue Revised Statutes of Nebraska, is amended to read:

81-3425 Responsible charge means the management of the technical and financial aspects of control and supervision for engineering or architectural work through an organization.

Sec. 24. Section 81-3427, Reissue Revised Statutes of Nebraska, is amended to read:

81-3427 Technical submissions means designs, drawings, specifications, studies, and other technical reports that constitute, or may be prepared in conjunction with, a project.

Sec. 25. Section 81-3428, Reissue Revised Statutes of Nebraska, is amended to read:

81-3428 (1) The Board of Engineers and Architects is created to administer the Engineers and Architects Regulation Act. ~~The board may use any funds available to obtain suitable office space within Lincoln, Nebraska.~~ The board shall consist of eight ~~six~~ members appointed by the Governor, ~~after consultation with the appropriate professional organizations, for terms of five years terminating on the last day of February, and two education members appointed as prescribed in subsection (2) of this section.~~ The board shall consist of:

(a) Three architect members, two of whom shall be appointed after consulting with the appropriate architectural professional organizations, and including one education member who is a faculty member of the University of Nebraska appointed upon the recommendation of the Dean of Architecture of the University of Nebraska;

(b) Four professional engineer members, three of whom shall be appointed after consulting with the appropriate engineering professional organizations, and including one education member who is a faculty member of the University of Nebraska appointed upon the recommendation of the Dean of Engineering of the University of Nebraska; and

(c) One public member.

(2) Each member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. ~~The Governor may remove any member of the board for misconduct, incompetency, or neglect of~~

~~duty. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Board of Examiners for Professional Engineers and Architects as it existed immediately prior to January 1, 1998, shall serve as the Board of Engineers and Architects until the additional public member is appointed. The Governor shall reappoint or replace existing members as their terms expire, and the public member shall be reappointed or replaced in the fifth year of his or her term. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.~~

~~(2) The board shall include two education members who are licensed in the relevant profession representing the professional faculty of the College of Engineering and Technology and the College of Architecture within the University of Nebraska, as recommended by the dean of the respective college and appointed by the Governor. The appointments are for five years.~~

~~(3) Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each architect or professional engineer member shall have been engaged in the active practice of the design profession for at least ten years, shall have had direct supervision of work for at least five years at the time of his or her appointment, and shall be licensed in the relevant profession.~~

~~(4 3) The board may designate a former member of the board as an emeritus member, but for no more than ten years after his or her original board membership expires. Emeritus member status, when conferred, must be renewed annually.~~

~~(5) The board offices shall be located in Lincoln, Nebraska.~~

Sec. 26. Section 81-3429, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3429 Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each professional member shall have been engaged in the active practice of the design profession for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be licensed in the appropriate profession. Each member of the board shall receive as compensation not more than one hundred sixty dollars per day for each day or substantial portion of a day actually spent in traveling to and from and while attending sessions of the board and its committees, authorized meetings of the National Council of Architectural Registration Boards, the National Council of Examiners for Engineering and Surveying, or their subdivisions or committees, or other business as authorized by the board. Each member of the board shall be reimbursed for and all necessary and authorized expenses incident to the performance of his or her duties under the Engineers and Architects Regulation Act as provided in sections 81-1174 to 81-1177.~~

Sec. 27. Section 81-3430, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3430 Each member of the board shall receive a certificate of appointment from the Governor and, before beginning his or her term of office, shall file with the Secretary of State the constitutional oath of office. The board or any committee of the board is entitled to the services of the Attorney General in connection with the affairs of the board, and the board may compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Engineers and Architects Regulation Act. The board shall adopt and have an official seal, which shall be affixed to all certificates of licensure granted, and shall adopt and promulgate rules and regulations to carry out the act. The rules and regulations of the Board of Examiners for Professional Engineers and Architects in effect immediately prior to January 1, 1998, shall continue in effect until changed by the Board of Engineers and Architects.~~

Sec. 28. Section 81-3432, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3432 The Engineers and Architects Regulation Fund is created. The secretary of the board shall receive and account for all money derived from the operation of the Engineers and Architects Regulation Act and shall remit the money to the State Treasurer for credit to the Engineers and Architects Regulation Fund. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including compensation and administrative staff, and any expense incident to the administration of the act relating to other states shall be paid out of the fund. Debt Loan repayments payable pursuant to section 81-3432.01 shall be paid out of the fund. Warrants for the payment of expenses shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and secretary of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of the fees collected under the act and to the credit of the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2011. Any money in the fund Engineers and Architects Regulation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 29. Section 81-3432.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-3432.01 (1) The board may repay qualified educational debt owed by an eligible graduate. Such repayment shall be made from the Engineers and Architects Regulation Fund. To be eligible for ~~debt loan~~ repayment, a recipient shall be a graduate of (a) a National Architectural Accrediting Board-accredited architecture program in Nebraska or (b) an ABET-accredited engineering program in Nebraska and shall have obtained qualified educational debt.

(2) For purposes of this section, qualified educational debt means government and commercial loans obtained by a student for postsecondary education tuition, other educational expenses, and reasonable living expenses, as determined by the board.

(3) The board may adopt and promulgate rules and regulations governing any ~~debt loan~~ repayment under this section.

Sec. 30. Section 81-3433, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3433 The secretary of the board shall maintain and make available to the public publish a complete roster of all architects and professional engineers showing their the names and last-known addresses of all architects and professional engineers at intervals as established by the board. The board secretary shall file the roster with the Secretary of State and may distribute mail a copy to each licensed person as well as county and municipal officials. The secretary of the board may charge a fee for distributing also sell or distribute copies of the roster to the public.~~

Sec. 31. Section 81-3434, Reissue Revised Statutes of Nebraska, is amended to read:

81-3434 (1) The Legislature hereby finds and declares that a code of practice established by the board by which architects and professional engineers could govern their professional conduct would be beneficial to the state and would safeguard the life, health, and property and promote the public welfare of the citizens of this state.

(2) The code of practice established by this section shall include provisions on:

- (a) Professional competence;
- (b) Conflict of interest;
- (c) Full disclosure of financial interest;
- (d) Full disclosure of matters affecting public safety, health, and welfare;

(e) Compliance with laws;

(f) Professional conduct and good ethical character standards; and

(g) Practice of architecture and engineering.

(3) The board may adopt and promulgate rules and regulations to implement the establish a code of practice through rules and regulations.

(4) The board may publish commentaries regarding the code of practice. The commentaries shall explain the meaning of interpretations given to the code by the board.

Sec. 32. Section 81-3435, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3435 (1) Applications Application for licensure, examination, intern enrollment, a certificate of authorization, or emeritus status as an architect or professional engineer or enrollment as an engineer-intern shall be made on a form prescribed and furnished by the board. Applications It shall be contain statements made under oath showing the applicant's education and a detailed summary of technical experience and shall include the names and complete mailing addresses of the references, none of whom should be members of the board.~~

(2) The board may accept the verified information contained in a valid Council Record issued by the National Council of Architectural Registration Boards Board or the National Council of Examiners for Engineering and Surveying in lieu of the same information that is required on the form prescribed and furnished by the board.

~~(3)(a) The board shall establish application and licensure fees as provided in this subsection. All fees are nonrefundable. (2) Application and licensure fees shall be established by the board and shall accompany the application. Original and reciprocal fees shall~~

~~(b) The fee for license applications may not exceed three hundred dollars and shall be in addition to the examination fee which shall be set to recover the costs of examination and its administration.~~

~~(c) The fee for examination applications may be set to recover the costs of examination and its administration.~~

~~(d 3) The fee for intern enrollment may shall be established by the board and shall accompany the application. The fee shall not exceed one hundred dollars and shall be in addition to the examination fee which shall be set to recover the costs of the examination and its administration.~~

~~(e 4) The certificate of authorization fee for organizations may shall be established by the board and shall accompany the application. The fee shall not exceed three hundred dollars per year.~~

~~(f 5) The fee for emeritus status may shall be established by the board and shall accompany the application. The fee shall not exceed one hundred dollars per year.~~

~~(6) If the board denies the issuance of a certificate or enrollment to any applicant, including the application of an organization for a certificate of authorization, the board shall retain the fee.~~

Sec. 33. Section 81-3436, Reissue Revised Statutes of Nebraska, is amended

to read:

~~81-3436 (1) An individual The practice or offer to practice for others the professions of architecture or engineering by individuals licensed under the Engineers and Architects Regulation Act may practice or offer to practice the profession of architecture or engineering through an organization is permitted if the criteria for organizational practice established by the board are met and the organization has had been issued a certificate of authorization by the board. All technical submissions by an organization involving the practice of architecture and engineering, when issued or filed for public record, shall be dated and bear the seal of the licensee qualified in the profession who prepared the submission or under whose immediate direction they were prepared. Public service providers are not included in this section.~~

~~(2) An organization desiring a certificate of authorization shall file with the board an application, using the form provided by the board, listing the names and addresses of all officers of the organization, the members of the organization's governing body, and the individual or individuals duly licensed to practice their respective professions in this state who shall be in responsible charge of the practice of those professions in the state through the organization. Any change in status of any of these persons during the certificate period shall be designated on the same form and filed with the board within thirty days after the effective date of the change. If the requirements of this section are met, the board shall issue a certificate of authorization to the organization and the organization may contract for and collect fees for furnishing professional services.~~

~~(3) The act shall not prevent an organization from performing professional services for itself.~~

~~(2) An organization applying for a certificate of authorization shall designate at least one licensed architect as the person in responsible charge of any practice of architecture by the organization and at least one professional engineer as the person in responsible charge of any practice of engineering by the organization. One who renders only occasional professional services for an organization may not be designated as being in responsible charge of the professional activities of an organization under this section.~~

~~(3) To obtain a certificate of authorization, a board-approved application shall be filed with the board. The application shall contain the names and license numbers of the individual or individuals designated as in responsible charge and licensed to practice architecture or engineering in Nebraska. Certificates of authorization shall be for a defined period and may be renewed.~~

~~(4) An organization shall notify the board of any changes in the status of any individual designated as in responsible charge within thirty days after the effective date of the change.~~

~~(5) All technical submissions issued or filed for public record through an organization involving the practice of architecture or engineering shall be sealed in accordance with the act by the licensee who prepared the submissions or under whose direct supervision they were prepared.~~

~~(6 4) An organization is not relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section. An individual practicing architecture or engineering is not relieved of responsibility for services performed by reason of employment or any other relationship with an organization holding a certificate of authorization.~~

~~(7) The (5) Commencing one year after January 1, 1998, the Secretary of State shall not issue a certificate of authority to do business in the state to an applicant or issue a registration of name in the state to an organization which intends to engage in includes among the objectives for which it is established the practice of architecture or engineering, or any modification or derivation of those design professions, unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive a certificate or to register the name. The organization shall supply the certificate or letter with its application for incorporation or licensure.~~

~~(8) Except as otherwise authorized in the Engineers and Architects Regulation Act or in the Professional Landscape Architects Act, the (6) Commencing one year after January 1, 1998, the Secretary of State shall not register any trade name or service mark which includes the words architect or engineer, or any modification or derivative of such words, in an applicant's its firm name or logotype unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to register the trade name or service mark except to those organizations holding authorization certificates issued by the board except as authorized in the act or in the Professional Landscape Architects Act.~~

~~(7) The certificate of authorization shall be renewed periodically as required by the board.~~

~~(8) A design professional who renders occasional, part-time, or consulting services to or for an organization may not for the purposes of this section be designated as being responsible for the professional activities of the organization.~~

~~(9) A public service provider or an organization may engage in the practice of architecture or engineering for itself without obtaining a certificate of authorization.~~

~~Sec. 34. (1) Providing combined services involving the practice of architecture or engineering, or both, with construction services is allowed if:~~

~~(a) An architect participates substantially in, and has direct supervision~~

of, the architectural services provided on the project;

(b) A professional engineer participates substantially in, and has direct supervision of, the engineering services provided on the project; and

(c) The rendering of architectural or professional engineering services conforms to the Engineers and Architects Regulation Act and the rules and regulations.

(2) A temporary permit holder under the act may perform engineering or architectural services pursuant to this section.

Sec. 35. Section 81-3437, Reissue Revised Statutes of Nebraska, is amended to read:

81-3437 (1) The board shall issue to any applicant who, on the basis of education, experience, and examination, has met the requirements of the Engineers and Architects Regulation Act a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the certificate of licensure. The certificate of licensure shall carry the designation Licensed Architect or Licensed Professional (discipline) Engineer. The certificate shall give the full name of the licensee and license number and shall be signed by the chairperson of the board, the secretary of the board, and one other a board member—representing the respective profession under the seal of the board.

(2) The certificate of licensure shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of an architect or a professional engineer while the certificate of licensure remains unrevoked and unexpired.

~~(3)(a) Each licensee authorized to practice architecture or engineering must obtain a seal. The design of the seal shall be determined by the board. The following information shall be on the seal: State of Nebraska; licensee's name; licensee's license number; and the words Architect or Professional (discipline) Engineer.~~

~~(b) Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.~~

~~(c) The seal and the date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal or to permit his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the act.~~

~~(d) The seal and date shall be placed on all originals, copies, tracings, or other reproducible drawings and the first and last pages of specifications, reports, and studies in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board. The application of the licensee's seal shall constitute certification that the work was done by the licensee or under the licensee's control. In the case of multiple sealings, the first or title page shall be sealed and dated by all involved. In addition, each sheet shall be sealed and dated by the licensee responsible for each sheet. In the case of an organization, each sheet shall be sealed and dated by the licensee involved. The architect or professional engineer in responsible charge shall seal and date the title or first sheet.~~

~~(e) In the case of a temporary permit issued to a licensee of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and temporary permit to all his or her work.~~

~~(f) Projects involving more than one licensed architect or professional engineer shall have one designated as the coordinating professional. The coordinating professional shall apply his or her seal and the date to the cover sheet of all documents and denote the seal as that of the coordinating professional.~~

~~(3) 4) The board shall issue to any applicant who, on the basis of education and examination, in the opinion of the board, has met the requirements of the Engineers and Architects Regulation Act a certificate of enrollment as an engineer-intern act an enrollment card as engineer-intern which indicates that his or her name has been recorded as such in the board office. The engineer-intern certificate enrollment card does not authorize the holder to practice as a professional engineer.~~

Sec. 36. (1) Each licensee authorized to practice architecture or engineering must obtain a seal. The design of the seal shall be determined by the board. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the seal. The following information shall be on the seal: State of Nebraska; licensee's name; licensee's license number; and the words Architect or Professional (discipline) Engineer.

(2) Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.

(3) The seal and the date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal or to permit his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the Engineers and Architects Regulation Act.

(4) The seal and date shall be placed on all originals, copies, tracings,

or other reproducible drawings and the first and last pages of specifications, reports, and studies in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board. The application of the licensee's seal shall constitute certification that the work was done by the licensee or under the licensee's control.

(5) In the case of a temporary permit issued to a licensee of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and temporary permit to all his or her work.

Sec. 37. (1) Projects involving more than one licensed architect or professional engineer shall have an architect or professional engineer designated as the coordinating professional for the entire project. The coordinating professional may, but need not, provide architectural or engineering services on the project. The coordinating professional shall apply his or her seal in accordance with the Engineers and Architects Regulation Act to the cover sheet of all documents and denote the seal as that of the coordinating professional.

(2) The coordinating professional shall be responsible for reviewing and coordinating technical documents prepared by others for compatibility with the design of the project.

Sec. 38. Section 81-3438, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3438 Certificates of licensure and certificates of authorization shall expire on a date established by the board and shall become invalid after that date unless renewed. The secretary of the board shall notify every person licensed under the Engineers and Architects Regulation Act and every organization holding a certificate of authorization under the act of the date of the expiration of the certificate of licensure or certificate of authorization and the amount of the fee required for renewal. The notice shall be mailed at least one month in advance of the date of the expiration to the licensee or organization at the last-known address on file with the board. Valid certificates may be renewed prior to expiration at least one month in advance of the date of the expiration. Renewal may be effected at any time prior to or during the period established by the board upon application and payment of applicable fees. Expired certificates a renewal fee. The fee shall not exceed two hundred dollars per year. Renewal of an expired certificate may be renewed in accordance with effected under rules and regulations of the board. Renewal fees shall not exceed two hundred dollars per year. regarding requirements for reexamination and for penalty fees. The board may require licensees to obtain adopt a program of continuing education as a condition of license renewal for individual licensees.~~

Sec. 39. Section 81-3441, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3441 Except as provided in sections 81-3414, 81-3413 to 81-3415, 81-3449, and 81-3453, an individual shall not directly or indirectly engage in the practice of architecture or engineering in the state or use the title architect or professional engineer or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that he or she is an architect or professional engineer or is practicing architecture or engineering unless he or she is licensed under the Engineers and Architects Regulation Act. A licensee shall not aid or abet any person not licensed under the act in the practice of architecture or engineering.~~

Sec. 40. Section 81-3442, Reissue Revised Statutes of Nebraska, is amended to read:

~~81-3442 Any person who performs any of the following actions is guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense:~~

~~(1) It is unlawful for any person to:~~

~~(a) Practice (1) Practices or offer offers to practice architecture or engineering in this state without being licensed in accordance with the Engineers and Architects Regulation Act unless such practice or offer to practice is otherwise exempt under the act;~~

~~(b) 2) Knowingly and intentionally employ employs or retain retains a person to practice architecture or engineering in this state who is not licensed in accordance with the act, except as provided in sections 81-3414 and 81-3413 to 81-3415, and who is not exempted by section sections 81-3449 or and 81-3453;~~

~~(c) Use (3) Uses the words architect, engineer, or any modification or derivative of such words in its name or form of business activity except as authorized in the act or in the Professional Landscape Architects Act;~~

~~(d) Advertise any title or description tending to convey the impression that he or she is a licensed architect or professional engineer unless the person is duly licensed under the Engineers and Architects Regulation Act;~~

~~(e) Present (4) Presents or attempt attempts to use the certificate of licensure or the seal of another person;~~

~~(f) Give (5) Gives any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate;~~

~~(g) 6) Falsely impersonate impersonates any other licensee of like or different name;~~

~~(h) Attempt (7) Attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure or practice who practices or offer offers to practice when not qualified;~~

(i) ~~8~~ Falsely claim ~~claims~~ that he or she is licensed or authorized under the act; or

(j) ~~Violate~~ ~~(9)~~ ~~Violates~~ the act.

(2) Any person who performs any of the actions described in subsection (1) of this section is guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense.

Sec. 41. Section 81-3443, Reissue Revised Statutes of Nebraska, is amended to read:

81-3443 (1) A complaint against any person or organization involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board.

(2) A hearing on the ~~The~~ complaint, ~~at the discretion of the board,~~ shall be held ~~heard~~ within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his, her, or its defense.

(3) The board shall set the time and place for the hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at his, her, or its last-known business or residence address known to the board, at least thirty days before the hearing.

(4) If after the hearing the board finds the accused has violated the Engineers and Architects Regulation Act or any rules or regulations, it may issue any order or take any action described in section 81-3444. If the order revokes, suspends, or cancels a license, the board shall notify, in writing, the Secretary of State. ~~If the board finds no violation, it shall enter an order dismissing the complaint. If the order revokes, suspends, or cancels a license, the board shall notify, in writing, the Secretary of State and the clerk of the city or village in the state where the person or organization has a place of business, if any.~~

(5) The board may reissue a license that has been revoked. Application for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board.

Sec. 42. Section 81-3444, Reissue Revised Statutes of Nebraska, is amended to read:

81-3444 (1) The board, ~~may after hearing and, by majority vote, take any or all of the following actions,~~ upon proof satisfactory to the board, may determine by two-thirds majority vote that any person or organization has violated the Engineers and Architects Regulation Act or any rules or regulations.

(2) Upon a finding that a person or organization has committed a violation, one or more of the following actions may be taken against such person or organization upon a two-thirds majority vote of the board:

(a) Issuance of censure or reprimand;

(b) Suspension of judgment;

(c) Placement of the offender on probation;

(d) Placement of a limitation or limitations on the holder of a license and upon the right of the holder of a license to practice the profession to such extent, scope, or type of practice for such time and under such conditions as are found necessary and proper;

(e) Imposition of a civil penalty not to exceed ten thousand dollars for each offense. The amount of the penalty shall be based on the severity of the violation;

(f) Entrance of an order of revocation, suspension, or cancellation of the certificate of licensure;

(g) Issuance of a cease and desist order;

(h) Imposition of costs as in an ordinary civil action in the district court, which may include reasonable attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or

(i) Dismissal of the action.

(3) ~~The~~ ~~(2)~~ ~~In hearings under this section,~~ the board may take into account suitable evidence of reform when determining appropriate action.

(4) ~~(3)~~ Civil penalties collected under subdivision (2) ~~(1)~~ ~~(e)~~ of this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (2) ~~(1)~~ ~~(h)~~ of this section shall be remitted to the State Treasurer for credit to the Engineers and Architects Regulation Fund.

Sec. 43. Section 81-3446, Reissue Revised Statutes of Nebraska, is amended to read:

81-3446 (1) A project on private land is subject to the provisions of the Engineers and Architects Regulation Act unless exempt under section 81-3449 or 81-3453.

(2) ~~(1)~~ The owner of any real property who allows a project to be constructed on his or her real property is engaged in the practice of architecture or engineering unless he or she employs or causes others to employ licensed architects or professional engineers ~~professionals~~ or persons under the direct supervision of licensed architects or professional engineers ~~professionals~~ to furnish at least minimum construction phase services with respect to the project or is exempt from the Engineers and Architects Regulation Act under sections 81-3449 and 81-3453.

(3) ~~(2)~~ For purposes of this section:

(a) Construction phase service includes at least the following services: (i) Visiting the project site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the project permit was issued; and (ii) processing technical submissions required of the contractor by the terms of contract documents. The term does not include supervision of construction, review of payment applications, resolution of disputes between the owner and contractor, and other such items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work; and

(b) Owner means with respect to any real property the following persons: (i) The record owner of such real property; (ii) the lessee of all or any portion of the real property when the lease covers all of that portion of the real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the project begins, has a remaining term of not less than ten years; or (iii) the grantee of an easement granting right-of-way to construct the project.

Sec. 44. Section 81-3448, Reissue Revised Statutes of Nebraska, is amended to read:

81-3448 (1) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for admission to an examination on technical and professional subjects of architecture as prescribed by the board:

(a) Graduation from a program accredited by the National Architectural Accrediting Board, or satisfying the requirements of the Education Standard of the National Council of Architectural Registration Boards as determined by the council;

(b) Establishment of a record maintained by the National Council of Architectural Registration Boards for the purpose of documenting architectural work experience for the council's Intern Development Program; and

(c) Submittal of an application accompanied by the fee established by the board.

(2) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for initial licensure as an architect:

(a) Passage of an examination on technical and professional subjects as prescribed by the board as set forth in subsection (1) of this section;

(b) Completion of the Intern Development Program of the National Council of Architectural Registration Boards, or its equivalent as determined by the council;

(c) Passage of an examination on the statutes, rules, and other requirements unique to this state; and

(d) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(3) An individual holding a license to practice architecture issued by a proper authority of any jurisdiction, based on credentials that do not conflict with subsection (2) of this section and other provisions of the Engineers and Architects Regulation Act, may, upon application, be licensed as an architect after:

(a) Successful passage of an examination on the statutes, rules, and other requirements unique to this state; and

(b) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(4) An individual who holds a current and valid certification issued by the National Council of Architectural Registration Boards and who submits satisfactory evidence of such certification to the board may, upon application, be licensed as an architect after:

(a) Successful passage of an examination on the statutes, rules, and other requirements unique to this state; and

(b) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(5) An individual who has been licensed to practice architecture for fifteen years or more in one or more jurisdictions and who has practiced architecture for fifteen years in compliance with the licensing laws in the jurisdictions where his or her architectural practice has occurred since initial licensure may, upon application, be licensed as an architect after:

(a) Successful passage of an examination on the statutes, rules, and other requirements unique to this state; and

(b) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure.

(6) An individual who holds a valid license to practice architecture in another jurisdiction may be issued a temporary permit to provide architectural services for a specific project. An individual may not be issued more than one temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of architecture.

(7) None of the examination materials described in this section shall be considered public records.

(8) The board or its agent shall direct the time and place of the architectural examinations referenced in subsections (1) and (2) of this section.

(9) The board may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. The board may also adopt guidelines published by the council.

(10) Licensure shall be effective upon issuance.

~~(1) A person applying to the Board of Engineers and Architects for initial licensure as an architect shall submit an application accompanied by the fee established by the board and satisfactory evidence that he or she holds a degree in architecture accredited by the National Architectural Accrediting Board and that he or she has completed practical training in architectural work as required by the Board of Engineers and Architects. If an applicant is qualified, the Board of Engineers and Architects shall, by means of a written or electronic examination, examine the applicant on technical and professional subjects as prescribed by the board. None of the examination materials shall be considered public records. The board may exempt from the written examination an applicant who holds a certification issued by the National Council of Architectural Registration Boards. The Board of Engineers and Architects may adopt guidelines published from time to time by the National Council of Architectural Registration Boards. The Board of Engineers and Architects may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards and the accreditation decisions of the National Architectural Accrediting Board. The Board of Engineers and Architects shall issue a certificate of licensure to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section. Licensure shall be effective upon issuance.~~

~~(2) A person applying for initial licensure who does not hold a degree in architecture accredited by the National Architectural Accrediting Board shall submit an application accompanied by the fee established by the Board of Engineers and Architects. The application shall demonstrate satisfactory evidence of twelve years' combined architectural education and architectural work experience, including the equivalent of the Intern Development Program promulgated by the National Council of Architectural Registration Boards. If an applicant is determined by the Board of Engineers and Architects to meet this requirement, the board shall, by means of a written or electronic examination, examine the applicant on technical and professional subjects as prescribed by the board. Only an individual who has earned a bachelor of science in architectural studies degree with an architecture emphasis prior to December 31, 1999, may be considered under this subsection.~~

Sec. 45. Section 81-3449, Reissue Revised Statutes of Nebraska, is amended to read:

81-3449 The provisions of the Engineers and Architects Regulation Act regulating the practice of architecture do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet of above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for a completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the

alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of architectural subjects in a college or university offering a degree in architecture accredited by the National Architectural Accrediting Board;

(7) The preparation of submissions to architects, building officials, or other regulating authorities by the manufacturer, supplier, or installer of any materials, assemblies, components, or equipment that describe or illustrate the use of such items, the preparation of any details or shop drawings required of the contractor by the terms of the construction documents, or the management of construction contracts by persons customarily engaged in contracting work;

(8) The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged in the practice of architecture if such employees are acting under the direct supervision of an architect;

~~(9) The offering by an organization of a combination of services involved in the practice of architecture and construction services if:~~

~~(a) An architect or person otherwise permitted under subdivision (11) of this section to offer architectural services participates substantially in all material aspects of the offering;~~

~~(b) There is written disclosure at the time of the offering that an architect is engaged by and contractually responsible to such organization;~~

~~(c) Such organization agrees that the architect will have direct supervision of the work and that such architect's services will not be terminated without the consent of the person engaging the organization; and~~

~~(d) The rendering of architectural services by such architect will conform to the Engineers and Architects Regulation Act and the rules and regulations;~~

~~(9 10) A public service provider or an organization who employs a licensee design professional performing professional services for itself;~~

~~(10 11) A nonresident who holds the certification issued by the National Council of Architectural Registration Boards offering to render the professional services involved in the practice of architecture. The nonresident shall not perform any of the professional services involved in the practice of architecture until licensed as provided in the Engineers and Architects Regulation Act act. The nonresident shall notify the board in writing that (a) he or she holds a National Council of Architectural Registration Boards certificate and is not currently licensed in Nebraska but will be present in Nebraska for the purpose of offering to render architectural services, (b) he or she will deliver a copy of the notice to every potential client to whom the applicant offers to render architectural services, and (c) he or she promises to apply immediately to the board for licensure if selected as the architect for the project;~~

~~(11 12) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of the respective profession, if such qualified member does not represent himself or herself to be practicing architecture and does not represent himself or herself to be an architect;~~

~~(12 13) Financial institutions making disbursements of funds in connection with construction projects;~~

~~(13 14) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality; and~~

~~(14 15) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.~~

Sec. 46. Section 81-3450, Reissue Revised Statutes of Nebraska, is amended to read:

81-3450 (1) An architect shall not affix his or her seal and signature to technical submissions that are subject to the Engineers and Architects Regulation Act unless the technical submissions were:

(a) Prepared entirely by the architect;

(b) Prepared entirely under the direct supervision of the architect; or

(c) Prepared partially by others if the architect has reviewed and integrated the work into his or her own technical submissions.

(2) An architect may affix his or her seal to technical submissions not subject to the act if the architect has reviewed or adapted in whole or in part such submissions and integrated them into his or her work.

~~An architect shall not affix his or her signature or seal to technical submissions unless they were prepared by the architect or under his or her direct supervision, except that in the case of the portions of such technical submissions prepared under the direct supervision of another architect employed by the first architect or by his or her firm, he or she may affix his or her signature or seal to those portions of the technical submissions if the architect has reviewed such portions and has coordinated their preparation or integrated them into his or her work. He or she may affix his or her signature or seal to those portions of the technical submissions that are not required by the Engineers and Architects Regulation Act to be prepared by or under the~~

direct supervision of an architect if the architect has reviewed or adapted in whole or in part such submissions and integrated them into his or her work.

Sec. 47. Section 81-3451, Reissue Revised Statutes of Nebraska, is amended to read:

81-3451 (1) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for enrollment as an engineer-intern:

(a) Graduation from a program accredited by the Engineering Accreditation Commission of ABET, or meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

(b) Passage of an examination in the fundamentals of engineering as accepted by the board;

(c) Submittal of an application accompanied by the fee established by the board; and

(d) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for enrollment.

(2)(a) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for admission to the examination on the principles and practice of engineering that is adopted by the board:

(i) Graduation from a program accredited by the Engineering Accreditation Commission of ABET, or meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

(ii) A record of four years or more of progressive post-accredited-degree experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering;

(iii) Passage of an examination in the fundamentals of engineering as accepted by the board;

(iv) Submittal of an application accompanied by the fee established by the board; and

(v) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application.

(b) A candidate who fails the principles and practice of engineering examination may apply for reexamination, which may be granted upon payment of a fee established by the board. In the event of a second or subsequent failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the necessary additional knowledge to qualify before admission to the examination.

(3) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for licensure as a professional engineer:

(a) Passage of the principles and practice of engineering examination as set forth in subsection (2) of this section;

(b) A record of four years or more of progressive post-accredited-degree experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering;

(c) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and

(d) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(4) An individual holding a license to practice engineering issued by a proper authority of any jurisdiction, based on credentials that do not conflict with subsections (2) and (3) of this section and other provisions of the Engineers and Architects Regulation Act, may, upon application, be licensed as a professional engineer after:

(a) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and

(b) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(5) An individual who has been licensed to practice engineering for fifteen years or more in one or more jurisdictions and who has practiced engineering for fifteen years in compliance with the licensing laws in the jurisdictions where his or her engineering practice has occurred since initial licensure may, upon application, be licensed as a professional engineer after:

(a) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and

(b) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(6) The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering signifying the area in which the professional engineer has demonstrated competence.

(7) An individual who holds a valid license to practice engineering in another jurisdiction may be issued a temporary permit to provide engineering services for a specific project. An individual may not be issued more than one temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of engineering.

(8) None of the examination materials described in this section shall be

considered public records.

(9) The board or its agent shall direct the time and place of the engineering examinations referenced in subsections (1), (2), and (3) of this section.

(10) The board may adopt the examinations and grading procedures of the National Council of Examiners for Engineering and Surveying. The board may also adopt guidelines published by the council.

(11) Licensure shall be effective upon issuance.

~~(1) To be eligible for admission to examination to be a professional engineer or engineer-intern, an applicant must be of good moral character and reputation and shall submit five references with his or her application for licensure as a professional engineer or enrollment as an engineer-intern. Three of the references shall be professional engineers having personal knowledge of the applicant's engineering experience or, in the case of an application for enrollment as an engineer-intern, character references.~~

~~(2)(a) A person holding a certificate of licensure to engage in the practice of engineering, issued by the proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the Engineers and Architects Regulation Act and were of a standard not lower than that specified in the applicable licensure law in effect in this state at the time such certificate was issued may, upon application, be licensed as a professional engineer without further examination.~~

~~(b) A person holding an active Council Record with the National Council of Examiners for Engineering and Surveying whose qualifications as evidenced by the Council Record meet the requirements of the act may, upon application, be licensed as a professional engineer after passing an examination testing the applicant's knowledge of the applicable statutes and rules and regulations unique to the State of Nebraska.~~

~~(c) A graduate of an ABET-accredited engineering curriculum, enrolled as an engineer-intern, and having a specific record of an additional four years or more of progressive post-accredited-degree experience on engineering projects of a grade and a character which indicates to the Board of Engineers and Architects that the applicant may be competent to practice engineering shall be admitted to an examination of at least eight hours in length, administered by the board, on the principles and practice of engineering. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice engineering in this state if the applicant is otherwise qualified. Engineering teaching of advanced subjects and the design of engineering research and projects in a college or university offering an ABET-accredited engineering curriculum of four years or more may be considered as engineering experience. An applicant who does not hold an ABET-accredited engineering degree but who is enrolled as an engineer-intern in this state and has a specific record of an additional six years or more of progressive experience on engineering projects of a grade and a character which indicates to the Board of Engineers and Architects that the applicant may be competent to practice engineering shall be admitted to an examination of at least eight hours in length, administered by the board, in the principles and practice of engineering. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice engineering in this state if otherwise qualified.~~

~~(3)(a) A graduate of or senior in an ABET-accredited engineering curriculum, or the substantial equivalent as determined by the board, shall be admitted to an eight-hour examination on the fundamentals of engineering. Upon passing the examination and verification of graduation, the applicant shall be enrolled as an engineer-intern.~~

~~(b) A person enrolled as an engineer-intern in a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the Engineers and Architects Regulation Act and were of a standard not lower than that specified in the applicable law in effect in this state at the time such person was enrolled and who is a resident of this state may, upon application, be enrolled in this state as an engineer-intern.~~

Sec. 48. Section 81-3453, Reissue Revised Statutes of Nebraska, is amended to read:

81-3453 The provisions of the Engineers and Architects Regulation Act regulating the practice of engineering do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages

incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage and if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for the completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of engineering subjects in a college or university offering an ABET-accredited engineering curriculum of four years or more;

(7) A public service provider or an organization who employs a licensee ~~design professional~~ performing professional services for itself;

(8) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of such profession, if such qualified member does not represent himself or herself to be practicing engineering and does not represent himself or herself to be a professional engineer;

(9) The offer to practice engineering by a person not a resident of and having no established place of business in this state if the person is legally qualified by licensure to practice engineering in his or her own state or country. The person shall make application to the board in writing and after payment of a fee established by the board may be granted a temporary permit for a definite period of time not to exceed one year to do a specific job. No right to practice engineering accrues to such applicant with respect to any other work not set forth in the permit;

(10) The work of an employee or a subordinate of a person holding a certificate of licensure under the Engineers and Architects Regulation Act ~~act~~ or an employee of a person practicing lawfully under subdivision (9) of this section if the work is done under the direct supervision of a person holding a certificate of licensure or a person practicing lawfully under such subdivision;

(11) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;

(12) Financial institutions making disbursements of funds in connection with construction projects;

(13) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality;

(14) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance;

(15) Work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, which does not have a substantial impact upon public health, safety, and welfare, as determined by the board, or require the submission of reports or documents to public agencies;

(16) The construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the owner thereof to be designed or supervised by an engineer or unless legal requirements are imposed upon the owner of a water well as a part of a public water supply;

(17) Work performed in the exploration, development, and production of oil and gas or before the Nebraska Oil and Gas Conservation Commission; and

(18) Siting, layout, construction, and reconstruction of a private onsite

wastewater treatment system with a maximum flow from the facility of one thousand gallons of domestic wastewater per day if such system meets all of the conditions required pursuant to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act unless the siting, layout, construction, or reconstruction by an engineer is required by the Department of Environmental Quality, mandated by law or rules and regulations imposed upon the owner of the system, or required by the owner.

Sec. 49. Section 81-3454, Reissue Revised Statutes of Nebraska, is amended to read:

81-3454 (1) A professional engineer shall not affix his or her seal and signature to technical submissions that are subject to the Engineers and Architects Regulation Act unless the technical submissions were:

- (a) Prepared entirely by the professional engineer;
- (b) Prepared entirely under the direct supervision of the professional engineer; or
- (c) Prepared partially by others if the professional engineer has reviewed and integrated the work into his or her own technical submissions.

(2) A professional engineer may affix his or her seal to technical submissions not subject to the act if the professional engineer has reviewed or adapted in whole or in part such submissions and integrated them into his or her work.

~~(1) A professional engineer shall not affix his or her seal or signature to sketches, working drawings, specifications, or other documents developed by others not under his or her direct supervision, except that in the case of the portions of such technical submissions prepared under the direct supervision of another professional engineer employed by the first professional engineer or by his or her firm, he or she may affix his or her signature or seal to those portions of the technical submissions if the professional engineer has reviewed such portions and has coordinated their preparation or integrated them into his or her work. He or she may affix his or her signature or seal to those portions of the technical submissions that are not required by the Engineers and Architects Regulation Act to be prepared by or under the direct supervision of a professional engineer if the professional engineer has reviewed or adapted in whole or in part such submission and integrated them into his or her work.~~

~~(2) In the case of a temporary permit issued to a professional engineer of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and a copy of the temporary permit to all his or her work.~~

Sec. 50. Original sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444, 81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 51. The following sections are outright repealed: Sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, 81-3424, and 81-3452, Reissue Revised Statutes of Nebraska.